

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MADISON

REBECCA DUFFY,

Plaintiff,

VERIFIED COMPLAINT

-v-

Index No.:

Date Purchased:

AMAZON.COM.CA, INC.
AMAZON.COM SALES, INC.
AMAZON.COM SERVICES, LLC
AMAZON.COM, INC.
SHENZHEN LINKWO TECHNOLOGY CO., LTD.,
SHELL ROBOTIC, INC., D/B/A/ EPICKA STORE D/B/A
EPIK-DIRECT D/B/A VELAZZIO,

Defendants.

Plaintiff, Rebecca Duffy, by her attorneys, STANLEY LAW OFFICES, complaining of
Defendants respectfully alleges, upon information and belief:

AS AND FOR A FIRST CAUSE OF ACTION AGAINST THE DEFENDANTS
(Negligence)

1. That at all times herein mentioned, Plaintiff Rebecca Duffy was and still is an individual residing at [REDACTED] Canastota, NY 13032.
2. Upon information and belief, that at all times herein mentioned, Defendant AMAZON.COM. CA, INC., AMAZON.COM SERVICES, LLC, AMAZON.COM, INC. AND AMAZON.COM SALES, INC. are foreign corporations registered to conduct business in the State of New York.
3. Upon information and belief, that at all times herein mentioned, Defendant SHENZHN LINKWO

TECHNOLOGY CO., LTS., is a foreign corporation with an office for the transaction of business located at Unit 811, Beverley Commercial Centre, 87-105 Chatham Road South, TSIM SHA TSUI, KL, Hong Kong, with a branch office doing business in the United States as Shell Robotic Inc., which was and is a domestic California corporation with an office for the transaction of business located at 809 S. Atlantic Blvd. # 205, Monterey Park, CA 91754, D/B/A Epicka Store D/B/A EPIK-DIRECT D/B/A Velazzio.

4. Upon information and belief, defendants are now, and at all times mentioned in this complaint were, in the business of designing, manufacturing, constructing, assembling, inspecting, and selling by placing into the stream of commerce, various types of electronic devices and apparel, including but not limited to Velazzio heated gloves.
5. On or about February 21, 2022, Velazzio Thermo1 Battery Heated Gloves that had previously been negligently designed, manufactured, constructed, assembled, inspected, sold, and placed into the stream of commerce by defendants were purchased by Plaintiff.
6. That on or about March 13, 2022, the subject product failed to perform as it was intended, causing plaintiff severe and permanent burns to her hand.
7. At all times mentioned in this complaint, defendants so negligently and carelessly designed, manufactured, constructed, assembled, inspected, and sold the subject product that it was dangerous and unsafe for its intended uses, and likely to fail its intended uses.
8. As a result of defendants' negligence, Plaintiff was caused to suffer severe and permanent injuries, which injuries were a direct and proximate result of the negligence and carelessness of defendants as described above.
9. By reason of the foregoing, judgment should be entered in favor of plaintiff and against the defendants.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST THE DEFENDANTS
(Strict Products Liability)

10. Plaintiff restates and re-alleges each and every allegation contained in paragraphs marked and enumerated "1" – "9" as if hereinafter set forth in full, and further alleges:
11. At all times mentioned in this complaint, the Subject Product, its component parts were defective as to design, manufacture, and warnings, causing the Subject Product and its component parts to be in a dangerous and defective condition that made them unsafe for their intended use and likely to fail in its intended use.
12. Plaintiff's injuries and damages are a direct and proximate result of the defective and dangerous condition of the Subject Product described above.
13. Defendants are strictly liable for the severe and permanent injuries suffered by plaintiff due to the defective product(s) described herein.
14. As a result of the foregoing, the plaintiff suffered severe and permanent burns, including 2nd degree burns, medical expenses, pain and suffering, loss of use, lost wages and loss of enjoyment of life for which plaintiff now seeks judgment against the defendants.
15. That as a result of the foregoing, Plaintiff was damaged in the sum that exceeds the jurisdictional limits of all lower courts.
16. By reason of the foregoing judgment should be entered in favor of the plaintiff against defendants.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST THE DEFENDANTS
(Breach of Warranty)

17. Plaintiff restates and re-alleges each and every allegation contained in paragraphs marked and enumerated "1" – "15" as if hereinafter set forth in full, and further alleges.
18. At all times mentioned in this complaint, the defendant breached the express and implied

warranties of merchantability and fitness for the subject product for its intended use.

Plaintiff's injuries and damages were a direct and proximate result of the failure of the Subject Product to perform as intended.

19. As a result of the foregoing, the plaintiff suffered 2nd degree burns, medical expenses, pain and suffering, loss of use, loss of enjoyment of life, and lost wages for which now plaintiff seeks judgment against the defendants.
20. That as a result of the foregoing, Plaintiff was damaged in the sum that exceeds the jurisdictional limits of all lower courts.
21. By reason of the foregoing judgment should be entered in favor of the plaintiff against defendants.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST THE DEFENDANTS
(Product Malfunction)

22. Plaintiff restates and re-alleges each and every allegation contained in paragraphs marked and enumerated "1" – "21" as if hereinafter set forth in full, and further alleges.
23. The product failure was of a kind that ordinarily does not occur in the absence of a product defect and any defect most likely existed at the time the product left the defendant's control and was not the result of the reasonably possible causes not attributable to the defendants.
24. As a result of the foregoing, the plaintiff suffered 2nd degree burns, medical expenses, pain and suffering, loss of use, loss of enjoyment of life, and lost wages for which now plaintiff seeks judgment against the defendants.
25. That as a result of the foregoing, Plaintiff was damaged in the sum that exceeds the jurisdictional limits of all lower courts.
26. By reason of the foregoing judgment should be entered in favor of the plaintiff against defendants.

WHEREFORE, Plaintiff Rebecca Duffy demands judgment against the Defendants on the Causes of Action described above in the sum that exceeds the jurisdictional limits of all lower courts together with the costs and disbursements of this action and for such other relief as this Court deems just and proper.

Dated: February 1, 2024
Syracuse, New York



ROBERT A. QUATTROCCI, ESQ.
Stanley Law Offices, LLP
Attorneys for Plaintiff
Rebecca Duffy
215 Burnet Avenue
Syracuse, NY 13202

ATTORNEY'S VERIFICATION

ROBERT A. QUATTROCCI, ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at STANLEY LAW OFFICES, attorneys of record for Plaintiff Rebecca Duffy. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff is not presently in the county wherein, I maintain my offices.

DATED: February 1, 2024
Syracuse, New York



ROBERT A. QUATTROCCI, ESQ.